

The Mid-Southern Journal of Criminal Justice

Volume 1

Article 5

3-1-2020

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Recommended Citation

Legg, Haley (2020) "The "D" in Violence. An Analysis of Domestic Violence in West Virginia.," *The Mid-Southern Journal of Criminal Justice*: Vol. 1 , Article 5.

Available at: <https://mds.marshall.edu/msjcj/vol1/iss1/5>

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Abstract

Domestic violence in West Virginia and all of the United States is a major societal problem that has multiple repercussions for the victims. Intimate partner violence and family violence are both types of domestic violence and the perpetrator in both have the same goal, which is to control the victim, however possible. The law enforcement agencies have multiple training opportunities and have a guide that they can use to help assess the offender's dangerousness and lethality. West Virginia Coalition Against Domestic Violence offers trainings and technical assistance to victim's advocates that focus on victims of domestic violence.

The “D” in Violence. An Analysis of Domestic Violence in West Virginia

In many states, including West Virginia, the legal definition of domestic violence is very broad, and includes crimes of family violence along with intimate partner violence (Barocas, Emery, & Mills, 2016). In the West Virginia Code, chapter 61, article 2-28 defines domestic battery as “Any person who unlawfully and intentionally makes physical contact of an insulting or provoking nature with his or her family or household member, or unlawfully and intentionally causes physical harm to his or her family or household member” (para. 173). According to the National Coalition Against Domestic Violence (NCADV), in West Virginia, 1 in 3 women and 1 in 4 men in the United States have experienced some form of physical violence by an intimate partner (NCADV, 2018).

NCADV (2018) defines domestic violence as “the willful intimidation, physical assault, battery, sexual assault, and/or other actions that are abusive as part of a systematic pattern of power and control perpetrated by either an intimate partner, or relative”. It includes physical violence, sexual violence, threats, and emotional abuse. The frequency and severity of domestic violence can vary dramatically. Domestic violence is widespread throughout every community and affects all people no matter their age, sexual orientation, gender, race, religion, nationality, or socio-economic status.

The purpose of this paper is to identify and analyze domestic violence in West Virginia. This paper aims to do this by examining and summarizing the different types of domestic violence. Next, this paper will discuss the training and involvement of law enforcement officers. Finally, it will describe and examine actions that can be taken in order to reduce domestic violence in West Virginia.

Literature Review

The legal definition of domestic violence is broad throughout the United States and includes both intimate partner violence and family violence (Barocas et al., 2016). Many authors view domestic violence as a very complex social problem that can contribute to being a cause of an array of mental health problems (Barocas et al., 2016). In domestic violence cases, blunt force trauma and strangulation are common injuries that are obtained by the victim. A study done looking at emergency room data indicated that sixty-seven percent of women treated for intimate partner violence related injuries reported problems consistent with a diagnosis of head injury (Epstein & Goodman, 2017).

Research has shown that civil protection orders are one of the most effective legal means for intervening and eliminating abuse (Epstein & Goodman, 2017; Stoevers, 2019). Another service that victims of domestic violence have access to is victim advocacy. Victim advocates are professionals that have undergone training to support victims of crime. Domestic violence advocates provide an array of services that can include crisis intervention, safety planning, counseling, support groups, shelter services, education, and support during court or other legal procedures (Hester & Lilley, 2017; Logan & Walker, 2018).

Discussion

Domestic violence is a major problem in American society today. Statistics show that in the United States, 1 in 3 women and 1 in 4 men have experienced some form of physical violence by an intimate partner. The physical violence includes a range of behaviors that include slapping, shoving, and pushing. Although, with severe physical violence such as beating, burning, and strangling, statistics show that 1 in 4 women and 1 in 7 men experience the more severe end of the abuse (NCADV, 2018). In West Virginia, there is a program that strives to

develop a means that the state can ensure a safer environment for women; this is the Violence Against Women Act. The Violence Against Women Act provides financial assistance to States for developing and strengthening effective law enforcement and prosecution strategies and victim services in cases involving violent crimes against women (VAWA, 2018).

The Different Types of Domestic Violence

Domestic violence's legal definition is very broad across the United States. It includes two different violence types, intimate partner and family violence. West Virginia's definition of both domestic assault and domestic battery includes the intimate partner and family violence. Although, as a society, the definition of domestic violence has developed and evolved into the pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship (NCADV, 2018).

Domestic violence that is committed by the victim's intimate partner includes physical violence, sexual violence, threats of physical or sexual violence, stalking and psychological aggression by a current or former intimate partner. Intimate partner violence can occur in people that are living together, living apart, and are in a romantic or sexual relationship, or by someone in a former relationship as previously described (NCADV, 2018). The National Intimate Partner and Sexual Violence Survey conducted in 2010 provided interesting data. Among all women who experienced rape, physical violence, or stalking by an intimate partner in their lifetime, 63.8% experienced one form of violence by an intimate partner; 56.8% experienced physical violence alone, 4.4% experienced rape alone, and 2.6% experienced stalking alone. Approximately 8.7% experienced rape and physical violence, 14.4% experienced physical violence and stalking, and 12.5% experienced all three forms of intimate partner violence (Black et al., 2011).

Family violence is another type of domestic violence; the acts of family violence include emotional, financial, sexual and physical abuse. These are the same components that are included in the intimate partner violence, with the only difference being that family members of the victim (National Criminal Justice Reference Service, 2016) commit family violence. The Family Violence Protection Act of 2008 defines family members broadly. Family violence can occur in any familial relationship, which includes, parents, stepparents, children, siblings, grandparents, aunts, uncles, cousins, nieces, nephews, and grandchildren (Family Violence Protection Act, 2008).

Training and Involvement of Law Enforcement Agencies

According to the *West Virginia Guide for Law Enforcement Officers*, the purpose of law enforcement in domestic violence cases is the protection of the victim. This can happen through protection orders, initial response, arrest, on-scene assistance, and reporting. There also is the follow-up with the victim (West Virginia Division of Justice and Community Services, 2011).

Research has shown that civil protection orders are one of the most effective legal means for intervening and eliminating abuse. (Epstein & Goodman, 2017; Stoever, 2019). A protection order is an injunction, issued under domestic violence and similar domestic violence laws. Often the judicial arm of justice becomes involved. The protection order is issued to prevent the accused offender from engaging in violent or threatening acts, harassing, contact or communication, or to be in the physical proximity of the protected individual. Protective orders include, Emergency Protective Orders, Temporary Emergency Protective Orders, Domestic Violence Protective Orders, Temporary or Final Protective Orders issued as a part of Temporary or Final Divorce Orders, or any other terms or orders that have a similar purpose. Law enforcement agencies and officers are responsible for the service of the protection order. The

service of the order is to be the priority of the officer. The protection orders are to be served immediately, but the officers do have a seventy-two-hour window to serve the respondent (WVDJCS, 2011).

The Dangerousness Lethality Assessment Guide (D-LAG) is a research-based guide for systems interacting with families experiencing domestic violence. This is used in West Virginia, among other states, that help professionals move through four steps in assessing a perpetrator of domestic violence and to see if the perpetrator has highly dangerous and potentially lethal behaviors. The D-LAG also provides guidelines for effective response that heightens the safety measures for both the victim and the perpetrator. The four steps include: Understand the nature and extent of the domestic violence, identify highly dangerous and potentially lethal behavior, provide a heightened response when indicators are present, and coordinate response across systems. (Gondolf & Heckert, 2004).

Actions to Reduce Domestic Violence in West Virginia

The Violence Against Women Act, (VAWA), Title IV, of the Violent Crime Control and Law Enforcement Act of 1994, appropriated funding to encourage law enforcement, prosecution, and victim services providers to coordinate efforts and develop strategies in response to crimes against women. West Virginia has chosen to foster coordination at the local level by funding proposals submitted by interagency teams, called S.T.O.P teams that are composed of, at a minimum, the local domestic violence services provider, the county prosecuting attorney's office, and a local or county law enforcement agency (Department of Justice, 2004). VAWA has improved the criminal justice response to violence against women by holding rapists accountable for their crimes by strengthening federal penalties for repeat sex offenders and creating a federal "rape shield law," which is intended to prevent offenders from using victims' past sexual

conduct against them during a rape trial; mandating that victims, no matter their income levels, are not forced to bear the expense of their own rape exams or for service of a protection order; keeping victims safe by requiring that a victim's protection order will be recognized and enforced in all state, tribal, and territorial jurisdictions within the United States; increasing rates of prosecution, conviction, and sentencing of offenders by helping communities develop dedicated law enforcement and prosecution units and domestic violence docket (WVDJCS, 2019).

West Virginia provides access to a Domestic Violence Class called Battering Intervention and Prevention Program (BIPP). The court, a legal order, a legal representative, or reporting to a parole or probation officer may be required by the state of West Virginia before attendance is facilitated. The Battering Intervention and Prevention Program (BIPP) is an educational program that is designed to give the offender the tools that are needed to achieve healthy intimate relationships. Most classes meet once a week for 24 weeks and there are specific requirements for attendance in the program by an individual. There is attendance reporting to be made to a designated official. The curriculum focuses on the offender's history of abuse and is designed to teach accountability as a means to engage those who batter through dialogue by facilitating reflective and critical thinking (Center Against Sexual & Family Violence, 2019).

West Virginia Coalition Against Domestic Violence (2019) offers many trainings that are in place in order to further the knowledge of victim advocates, and is in place to help provide information to the victims of domestic violence. An intervention that is widely recommended for victims of domestic violence and sexual assault is that of safety planning. Victim advocates are trained in how to support victims of crimes, and safety planning, among other services provided to the victims. One of the main goals of advocacy is to address the victim's safety

concerns and their needs. The basic premise of safety planning is to help the domestic violence survivor by identifying ways to decrease their exposure to further harm and to help them with their fear and anxiety that can be considerable (Logan & Walker, 2018). A safety plan is a personalized, practical plan that includes ways to remain safe while in a relationship, planning to leave, or after you leave. Safety planning involves how to cope with emotions, tell friends and family about the abuse, take legal action and more essential elements of safety (NCADV, 2018).

Conclusion

In this paper, it is discussed that domestic violence is a major societal problem that can affect any person, no matter their age, gender, sexual orientation, and economic status. The abuser's purpose in abusing their victim may be that they want complete control over every aspect of the victim's life (NCADV, 2018). Although, when the victim is able to reach out to law enforcement agencies, or victim advocacy programs, there are multiple services that can be provided to assist the victim in leaving the relationship, or getting to safety. Domestic violence in West Virginia is a real problem, but fortunately, law enforcement agencies have many services in place to try to reduce domestic violence, and to help protect victims that have already been in a situation of domestic violence. In addition, there are advocacy groups to assist victims or persons experiencing fears due to threatening behaviors related to domestic violence (Logan & Walker, 2018; DOJ, 2004).

A weakness in the information that was identified and reviewed for this paper, is simply that there is need for even more research information on how to prevent domestic violence from happening though steps are being taken in the state and nationally as described (Logan & Walker, 2018). There is information on how to reduce the risk of victimizing the victim again.

The other step that can be taken is to help further educate more people on the matter of domestic violence.

Overall, this paper contributed to identifying and analyzing domestic violence in West Virginia and it was helpful to define the different domestic violence types which are that of intimate partner violence and family violence. As a positive, law enforcement agencies in West Virginia have access to trainings to help reduce domestic violence and there are programs for victim advocates. Also, there are educational programs for offenders or persons feared of offending as well as protection orders (Stoever, 2019). Each can be helpful in the purpose of reducing domestic violence in West Virginia.

References

- Barocas, B., Emery, D., & Mills, L. G. (2016). Changing the domestic violence narrative: aligning definitions and standards. *Journal of Family Violence*, 31(8), 941-947.
doi:10.1007/s10896-016-9885-0
- Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M. (2011). *The national intimate partner and sexual violence survey: 2010 summary report*. Retrieved from
https://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf
- Center Against Sexual & Family Violence (2019). *Services and programs*. Retrieved from:
<https://casfv.org/services-programs/battering-intervention>.
- Epstein, D., & Goodman, L.A. (2019). Discounting women: Doubting domestic violence survivors' credibility and dismissing their experiences. *University of Pennsylvania Law Review*, 167(1), 399-415. Retrieved from
<https://heinonline.org/HOL/Page?handle=hein.journals/pnlr167&id=3&collection=journals&index=>
- Gondolf, E.W., Heckert, D.A (2004). *Predicting abuse and re-assault among batterer program participants*. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/199730.pdf>
- Hester, M., & Lilley, S. (2017). Rape investigation and attrition in acquaintance, domestic violence and historical rape cases. *Journal of Investigative Psychology & Offender Profiling*, 14(2), 175–188. doi: 10.1002/jip.1469
- Logan, T. K., & Walker, R. (2018). Advocate safety planning training, feedback, and personal challenges. *Journal of Family Violence*, 33(3), 213–225. doi: 10.1007/s10896-017-9949-

National Coalition Against Domestic Violence. (2018). *National statistics of domestic violence*.

Retrieved from; <https://ncadv.org/statistics>

National Criminal Justice Reference Service. (2016). *Special feature: Family violence*. Retrieved

from <https://www.ncjrs.gov/family-violence/index.html>

Stoever, J. K. (2019). Access to safety and justice: Service of process in domestic violence cases.

Washington Law Review, 94(1), 333-400. Retrieved from

https://heinonline.org/HOL/Page?handle=hein.journals/washlr94&div=10&g_sent=1&casa_token=&collection=journals

West Virginia Code, Chapter 61, Crimes and their punishment. Article 2 crimes against the person. 61-2-28. *Domestic violence — criminal acts*

West Virginia Coalition Against Domestic Violence (2019). Retrieved from: <http://wvcadv.org/>

West Virginia Division of Justice and Community Service (2019). *STOP violence against*

women grant program. Retrieved from; <https://djcs.wv.gov/grant-programs/all-general-programs/STOP%20VAWA>

West Virginia Division of Justice and Community Service (2011). *West Virginia domestic*

violence response guide for law enforcement Officers (3rd ed.). Retrieved from;

<https://djcs.wv.gov/grant-programs/Specialized%20Programs/gtea/Documents/Domestic%20Violence%20Response%20Guide%202.pdf>

U.S. Department of Justice (2004). *West Virginia STOP Violence Against Women Project*

Evaluation Final Report. Retrieved from:

https://djcs.wv.gov/ORSP/SAC/Documents/WVSAC_VAWAFY01